

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

DAVID J. SILBER,
Plaintiff

v.

ANDREW PALLITO, ROBERT
HOFMANN, ROBERT KUPEC,
RAYMOND FLUM, DAVID BOVAT,
ELLEN McWARD, ANITA CARBONELL,
DOMINIC DAMATO, JAMES KAMEL,
MARK POTANIS,
Defendants

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File No. 1:09-CV-73

ORDER

The Magistrate Judge's Report and Recommendation was filed December 1, 2009. (Paper 31.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The plaintiff's Motions for Preliminary Injunction (Papers 3, 8) are DENIED. To the extent the defendants have moved in their Supplemental Documentation in Opposition to Plaintiff's Motion for Preliminary Injunction (Paper 30) to have this case dismissed, the motion is DENIED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

This matter is returned to Magistrate Judge Conroy for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 23rd day of December, 2009.

/s/ J. Garvan Murtha

Honorable J. Garvan Murtha

Senior United States District Judge